

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC. AND  
LIZ VELAZQUEZ MCKINNON,

Defendants.

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**DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME  
TO COMPLY WITH LOCAL RULE 7.3(b)**

Defendants, ALL VIP CARE INC. and LIZ VELAZQUEZ MCKINNON by and through undersigned counsel, and pursuant to Fed. R. Civ. P. Rule 6 and Local Rule 7.1(a), hereby requests a brief enlargement of time to serve on Plaintiff its draft motion for attorneys fees, and in support thereof provides the following good cause:

1. On November 1, 2023, following a three-day trial, the jury entered its verdict in favor of Defendants ALL VIP CARE, INC. and LIZ VELAZQUEZ MCKINNON and against Plaintiff CRUZ VALDIVIESO FIGUERA on Plaintiff's claims for minimum wages, overtime pay, and FLSA retaliation [ECF No. 126.]

2. On November 2, 2023, the Court entered a final judgment in favor of Defendants, ALL VIP CARE, INC. and LIZ VELAZQUEZ MCKINNON, on Plaintiff's claims for

minimum wages, overtime pay, and FLSA retaliation and unjust enrichment . As well, the Court entered judgment in favor of Plaintiff, CRUZ VALDIVIESO FIGUERA, for her breach of contract claim, and Defendants claims for breach of contract, promissory estoppel, violation of Florida's Trade Secret Act, and tortious interference with contractual relationship. [ECF No. 130.]

3. In accordance with Local Rule 7.3(b), the deadline to serve a motion for attorney's fees is by December 4, 2023.

4. Undersigned counsel was not trial counsel for Defendants in the case, and a Stipulation For Substitution of Counsel was filed on November 21, 2023. [ECF No. 145.]

5. Defendants' new counsel is in the process of gathering the necessary information and documentation from prior counsel and client to adequately prepare and serve its motion for attorney's fees on Plaintiff.

6. Defendants requests a short, 5-day enlargement of time, through and including December 8, 2023, to serve its draft motion for attorneys fees on Plaintiff as required by Local Rule 7.3(b).

7. Counsel certifies that this motion is brought in good faith and not for any improper or dilatory purpose

WHEREFORE, Defendants ALL VIP CARE, INC. and LIZ VELASQUEZ MCKINNON, respectfully requests this Court grant Defendants' Motion For Enlargement of Time to

serve its Motion For Attorney's Fees and Costs on Plaintiff, by December 8, 2023, and such other and further relief as this Court deems just and proper.

#### **LOCAL RULE 7.3 CONFERRAL STATEMENT**

I hereby certify that, Pursuant to Local Rule 7.3 a good faith effort to resolve issues by agreement are occurring, but that the parties were unable to resolve the issues as they relate to this motion.

Respectfully Submitted,

/s/Elizabeth P. Perez

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*Counsel for Defendants*

#### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of this pleading which was filed with the Clerk of the Court was provided to Brian Pollock, Esq., Counsel for Plaintiff, at 135 San Lorenzo Ave., Ste. 770, Coral Gables, FL 33146, brian@fairlawgroup.com via the Court's ECM/ECF Portal on December 4, 2023.

/s/ Elizabeth P. Perez

Elizabeth P. Perez, Esq.